



DEPARTMENT OF THE ARMY
CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A HAGOOD AVENUE
CHARLESTON, SOUTH CAROLINA 29403-5107

January 11, 2021

Regulatory Division

Mr. Brandon Wall
Sligh Environmental Consultants, Inc.
31 Park of Commerce Way
Savannah, Georgia 31405
b_wall@slighec.com

Dear Mr. Wall:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2019-01789) received in our office on October 29, 2019, for a 693.68-acre site located on Addidas St., Eutawville, Orangeburg County, South Carolina (Latitude: 33.3564°, Longitude: - 80.2957°). An AJD is used to indicate that the U.S. Army Corps of Engineers (Corps) has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status as waters of the United States pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344) and/or navigable waters of the United States pursuant to Sections 9 and 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. § 401 *et. seq.*). This AJD is issued in accordance with the definition of Waters of the United States in Corps regulations at 33 C.F.R. §328.3, as revised by the Navigable Waters Protection Rule: "Definition of Waters of the United States," 85 Fed. Reg. 22250 (April 21, 2020), which became effective on June 22, 2020.

The site is shown on the attached depiction entitled "GPS Wetland Exhibit Orangeburg County Property Orangeburg County, South Carolina" and dated February 4, 2020 with the final version submitted to this office on January 5, 2021 prepared by Sligh Environmental Consultants, Inc. Based on an on-site inspection, a review of aerial photography, topographic maps, National Wetlands Inventory maps, and soil survey information, and Wetland Determination Data Form(s), we conclude the referenced depiction accurately reflects the location and boundaries of aquatic resources within the site. The site contains 91.91 acres of jurisdictional wetlands, and 1533 linear feet of other waters of the United States that are subject to Corps' jurisdiction under Section 404 of the CWA.

The site also contains aquatic resources that are not subject to Corps' jurisdiction under Section 404 of the CWA or Sections 9 and 10 of the RHA.

Attached is a form describing the basis of jurisdiction for the delineated area(s). Be aware that a Department of the Army (DA) permit may be required for certain activities in the areas subject to Corps' regulatory jurisdiction, and these areas may be subject to restrictions or requirements of other state or local government agencies.

If you submit a permit application as a result of this AJD, include a copy of this letter and the depiction as part of the application. Not submitting the letter and depiction will cause a delay

while we confirm an AJD was performed for the proposed permit project area. Note that some or all of these areas may be regulated by other state or local government entities, and you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water, or Department of Ocean and Coastal Resource Management, to determine the limits of their jurisdiction.

This AJD is valid for five (5) years from the date of this letter unless new information warrants revision before the expiration date. This AJD is an appealable action under the Corps administrative appeal procedures defined at 33 CFR Part 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

In all future correspondence, please refer to file number SAC-2019-01789. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact Shawn Boone, Project Manager, at (843) 329-8158, or by email at Shawn.A.Boone@usace.army.mil.

Sincerely,

Shawn Boone
Project Manager

Attachments:

Approved Jurisdictional Determination Form

Notification of Appeal Options

GPS Wetland Exhibit Orangeburg County Property Orangeburg County, South Carolina

Copies Furnished:

SCDHEC – Bureau of Water

2600 Bull Street

Columbia, South Carolina 29201

WQCWetlands@dhec.sc.gov

SCDHEC - OCRM

1362 McMillan Avenue, Suite 400

North Charleston, South Carolina 29405

OCRMPermitting@dhec.sc.gov



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD):

ORM Number: SAC-2019-01789

Associated JDs: N/A

Review Area Location¹:

State: SC City: Eutawville County: Orangeburg County

Center Coordinates of Review Area: Latitude 33.3564 Longitude -80.2957

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Tributary 1	1533 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary 1 is an unnamed stream depicted as a dashed blue line on USGS and other available mapping. Flow was observed during the December 4, 2020 site visit. Tributary 1 flows under Addidas St through several culverts, to Sandy Run (perennial), Dean Swamp, Four Hole Swamp and then the Edisto River (TNW).

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland B	82.26 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B directly abuts Tributary 1 and flows downstream to the Edisto River (TNW)
Wetland L	9.65 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland L continues beyond the site boundary and is part of a wetland complex that abuts and flows into a perennial stream known as Eightfoot Ditch which has a confluence with Sandy Run and flow ultimately to the Edisto River (TNW).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.32 acre	(b)(1) Non-adjacent wetland	Wetland A does not abut and is not inundated by an (a)(1)-(3) water. Wetland A is completely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) water.
Wetland C	0.34 acre	(b)(1) Non-adjacent wetland	Wetland C does not abut and is not inundated by an (a)(1)-(3) water. Wetland C is completely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) water.
Wetland D	0.32 acre	(b)(1) Non-adjacent wetland	Wetland D does not abut and is not inundated by an (a)(1)-(3) water. Wetland D is completely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) water.
Wetland E	0.23 acre	(b)(1) Non-adjacent wetland	Wetland E does not abut and is not inundated by an (a)(1)-(3) water. Wetland E is completely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) water.
Wetland F	0.22 acre	(b)(1) Non-adjacent wetland	Wetland F does not abut and is not inundated by an (a)(1)-(3) water. Wetland F is completely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) water.
Wetland G	2.74 acres	(b)(1) Non-adjacent wetland	Wetland G does not abut and is not inundated by an (a)(1)-(3) water. Wetland G is completely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) water.
Wetland H	3.42 acres	(b)(1) Non-adjacent wetland	Wetland H does not abut and is not inundated by an (a)(1)-(3) water. Wetland H is completely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) water.
Wetland I	0.12 acre	(b)(1) Non-adjacent wetland	Wetland I does not abut and is not inundated by an (a)(1)-(3) water. Wetland I is completely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) water.
Wetland J	1.83 acres	(b)(1) Non-adjacent wetland	Wetland J does not abut and is not inundated by an (a)(1)-(3) water. Wetland J is completely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) water.

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⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Wetland K	0.5 acre	(b)(1) Non-adjacent wetland	Wetland K does not abut and is not inundated by an (a)(1)-(3) water. Wetland K is completely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) water.
Wetland M	1.64 acres	(b)(1) Non-adjacent wetland	Wetland M does not abut and is not inundated by an (a)(1)-(3) water. Wetland M is completely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) water.
Wetland N	0.35 acre	(b)(1) Non-adjacent wetland	Wetland N does not abut and is not inundated by an (a)(1)-(3) water. Wetland N is completely encompassed by uplands and lacks a direct or indirect surface connection to (a)(1)-(3) water.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: JD Request submittal received October 29, 2019 for Sligh Environmental Consultants.

This information *is and is not* sufficient for purposes of this AJD.

Rationale: Additional information and revised drawings were necessary to complete the JD Request.

Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: Digital Globe 2017, site photographs

Corps Site visit(s) conducted on: *December 4, 2020*

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: Orangeburg County Soils overlay on aerial photo

USFWS NWI maps: SAC Regulatory Viewer, July 2020 NWI overlay on 2012 aerial photo

USGS topographic maps: 7.5 Minute Quadrangle Sandridge

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	SAC Regulatory Viewer.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

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- C. Additional comments to support AJD:** There are 91.91 acres of jurisdictional freshwater wetlands and 1533 linear feet of jurisdictional tributary within the review area. There are also 12.03 acres of non-jurisdictional freshwater wetlands onsite.

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number:	Date:
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer, South Atlantic Division, 60 Forsyth St, SW, Atlanta, GA 30308-8801. This form must be received by the Division Engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD **is not appealable**. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact the Corps biologist who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.

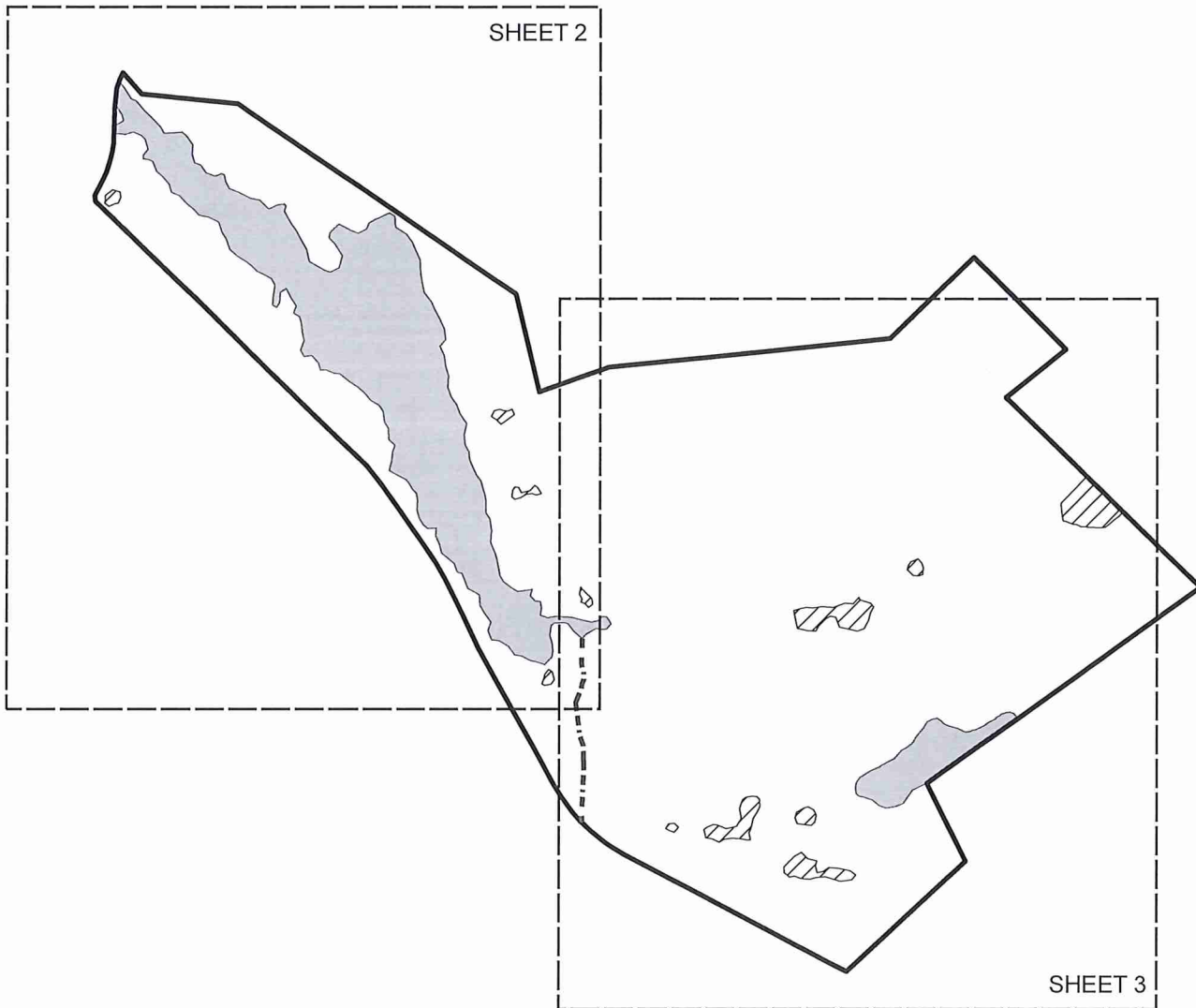
If you only have questions regarding the appeal process you may also contact: Mr. Philip A. Shannin
Administrative Appeal Review Officer
CESAD-PDS-O
60 Forsyth Street Southwest, Floor M9
Atlanta, Georgia 30303-8803

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

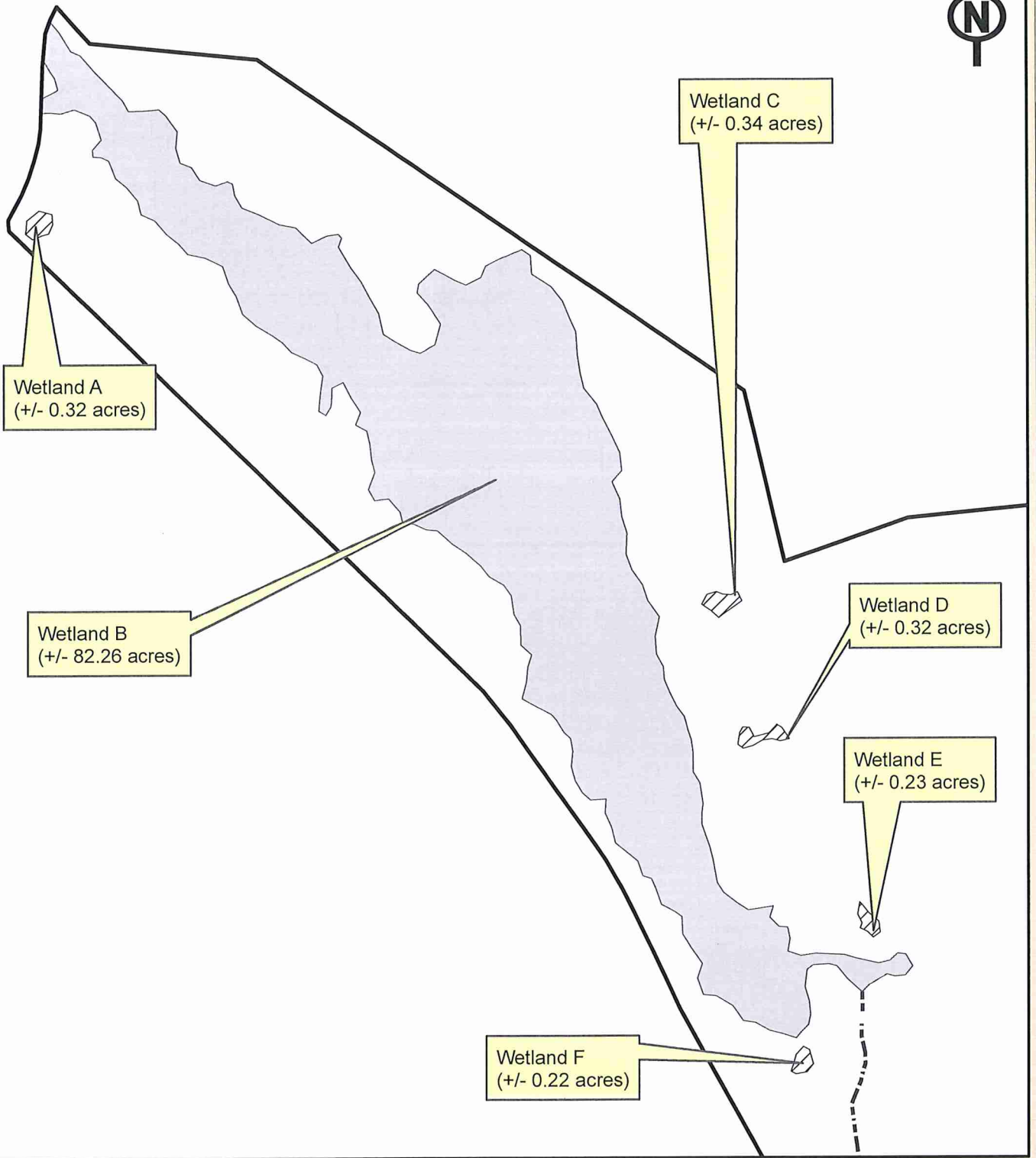






Property Boundary (+/- 693.68 acres)	Jurisdictional Wetland (+/- 91.90 acres)	(a)(2) Tributary (Int.) (+/- 1,533 l.f.)	Isolated Wetland (+/- 12.00 acres)
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slighenvironmental consultants, inc.
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
phone (912) 232-0451
fax (912) 232-0453

GPS Wetland Exhibit
Orangeburg County Property
Orangeburg County, South Carolina
Sheet 1 of 3


1,500 Feet
Exhibit Date: February 4, 2020
Drawn By: TCT
Reviewed By: BWW
Job Number : 01-19-109

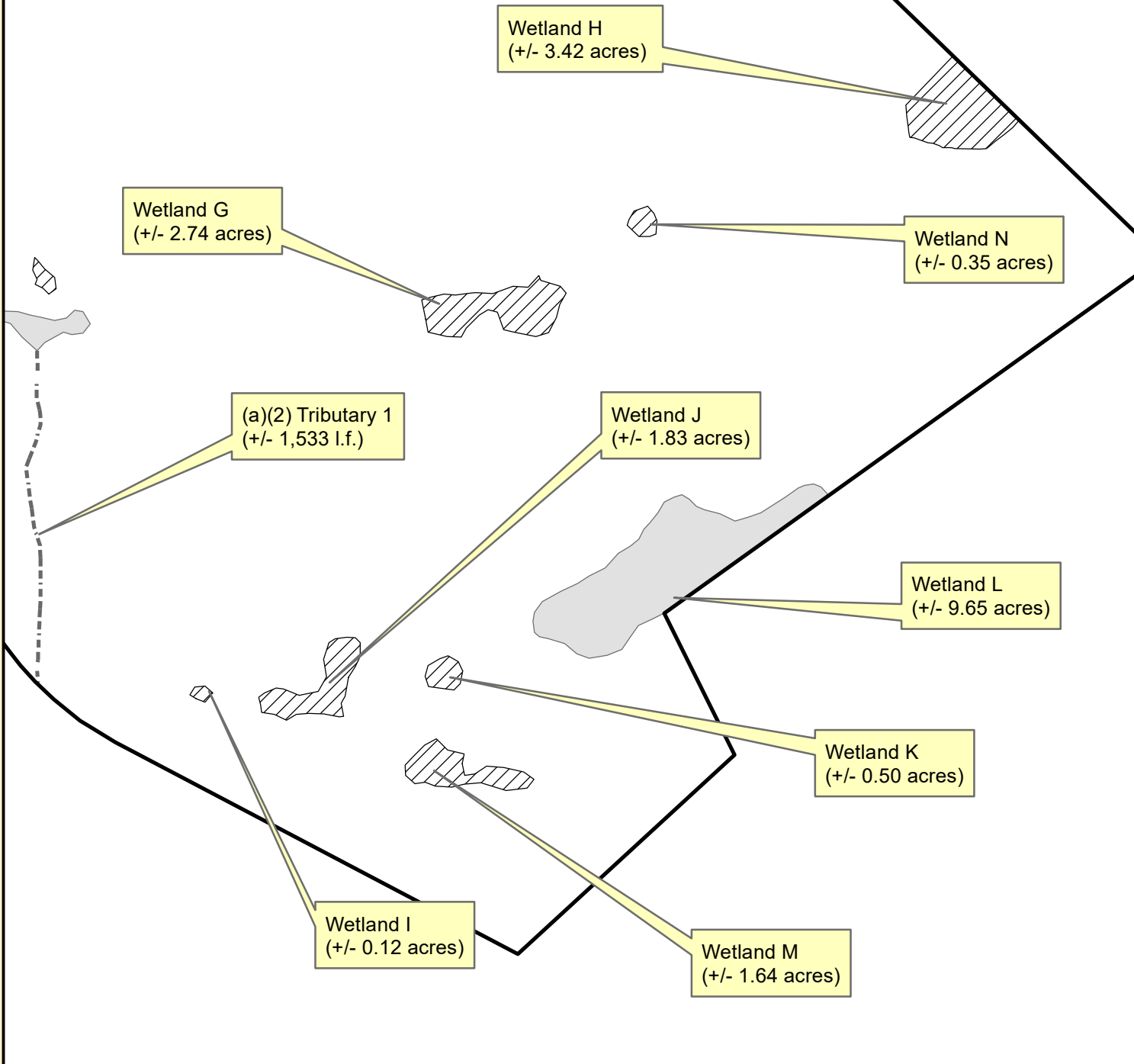


 Property Boundary (+/- 693.68 acres)	 Jurisdictional Wetland (+/- 91.90 acres)	 (a)(2) Tributary (Int.) (+/- 1,533 l.f.)	 Isolated Wetland (+/- 12.00 acres)
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slighenvironmental consultants, inc.
31 Park of Commerce Way, Suite 200B
Savannah, Georgia 31405
phone (912) 232-0451
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GPS Wetland Exhibit
Orangeburg County Property
Orangeburg County, South Carolina
Sheet 2 of 3


700  Feet
Exhibit Date: February 4, 2020
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 Property Boundary (+/- 693.68 acres)	 Jurisdictional Wetland (+/- 91.90 acres)	 (a)(2) Tributary (Int.) (+/- 1,533 l.f.)	 Isolated Wetland (+/- 12.00 acres)
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**GPS Wetland Exhibit
 Orangeburg County Property
 Orangeburg County, South Carolina
 Sheet 3 of 3**

700  Feet
Exhibit Date: February 4, 2020
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